

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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INTELLECTUAL VENTURES I LLC, and :  
INTELLECTUAL VENTURES II LLC, :  
Plaintiffs, :  
v. : 1:14-cv-04638-AKH  
CITIGROUP, INC., CITICORP, :  
CITIBANK, N.A., :  
Defendants. :  
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**JOINT SUBMISSION REGARDING DISCOVERY FOR  
JULY 23, 2015, STATUS CONFERENCE**

In accord with the Court's June 30, 2015, Final Order Regarding Claim Construction and Patent Summaries (Dkt. No. 90 at 7-8), Plaintiffs and Defendants respectfully make the following Joint Submission Regarding Discovery.

### **I. Timing of Discovery**

The parties agree that – consistent with the JPMC matter – that technical discovery should proceed before damages discovery. In accord with this agreement, the parties propose the following schedule for the first stage of the case.

EVENT	DATE
Initial Disclosures	August 6, 2015
Last Day To Serve Requests For Production Of Documents Related To Technical Discovery	February 15, 2016
Last Day To Produce Documents Related To The Technical Discovery Phase Of The Case (the parties agree that they do not intend to withhold the production of documents until at or near the deadline and will produce on a rolling basis.)	April 15, 2016
Last Day To Take Fact Depositions Related To The Technical Discovery Phase Of The Case	July 15, 2016
Status Conference	Court's Convenience After July 15, 2016

### **II. Limitations on discovery**

Generally, the parties agree that the default limitations in the Federal Rules of Civil Procedure shall govern with the following exceptions.

1. Depositions Hours. The parties agree that Plaintiffs (collectively) and Defendants (collectively) may take up to 30 hours of depositions per patent during the technical discovery phase of the case, including Rule 30(b)(1), Rule 30(b)(6) and third party depositions, but not including expert depositions, if any. The parties agree that this deposition hours limit does not prejudice the right of either party to seek to quash unreasonable requests for depositions even if

they are within the hours limit or to seek leave for additional deposition hours if needed.

2. Email Discovery.

General ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall not require the parties to conduct a search for email or other forms of electronic correspondence (collectively “email”). To obtain such email parties must propound specific email production requests. E-mail production requests shall only be propounded for specific issues, rather than general discovery of a product or business. E-mail production requests shall be phased to occur after the parties have exchanged initial disclosures and basic documentation about the patents, the prior art, and the accused instrumentalities. The parties shall cooperate in good faith to identify the proper custodians, proper search terms, and proper time frame.

The parties are available at the Court’s convenience if the Court should have any questions.

Dated: July 21, 2015

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